IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE SIDE

WRIT PETITION NO. 3771 OF 2007

Shri Omprakash Zumbarlal Boob .. Petitioner
v/s.
Shree Suvarna Sahakari Bank Ltd. .. Respondent

Mr. B.G. Tangsali for the petitioner.

CORAM : A.M. KHANWILKAR, J.
DATED : 10TH JULY, 2007

P.C.

Counsel for the petitioner fairly submitted on instructions that the petitioner will be more than happy if the court was inclined to grant further time to the petitioner to pay the balance amount in terms of order dated 15th December, 2006.

2. The request seems to be quite innocuous. I say so because the petitioner had applied to the Co-operative Court for extension of time to pay the amount in terms of the order dated 15th December, 2006 by way of application Exhibit "G" to the petition on 15th March, 2007. In that application, the petitioner asked for reasonable extension of time to comply with the order. That application was rejected presumably on 5th March, 2007 itself. Indeed, this petition has been filed on 23rd March, 2007 but came up for consideration in the first instance on 4th July, 2007 and adjourned for today. From March, 2007, sufficient time was made available to the petitioner to comply with the order of the lower court. On this count, the petition can be rejected. However, as the petitioner is inclined to comply with the direction of the Co-operative Court dated 15th December, 2006, if given more time by way of indulgence; therefore, in the interest of justice, the

petitioner is extended protection till 20th July, 2007. If the petitioner fails to pay the entire balance/outstanding amount referred to in order dated 15th December, 2006, the conditional order passed by the Co-operative Court shall come into effect forthwith on/or after 21st July, 2007. Thereafter, it will be open to the respondent-bank to proceed against the petitioner in accordance with law.

3. I am conscious of the fact that respondent is not before the court when this indulgence is shown to the petitioner. If the respondent has any objection for the arrangement ordered as above, it will be open to the respondent to apply to this court, which request will be considered on its own merits.

4. It is further made clear that granting of further time to the petitioner is not an expression of opinion either way on merits of the contentions. This is only an indulgence shown to the petitioner as the petitioner is more than willing to comply with the terms of the Co-operative Court dated 15th December, 2006.

5. Petition disposed of in the above terms. It is made clear that no request for further extension of time on any count will be entertained at the instance of the petitioner.

(A.M. KHANWILKAR, J.)